

From the
INTERNATIONAL SEARCHING AUTHORITY

WIPO

PCT

To:

see form PCT/ISA/220

10/2
PCT
WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)Applicant's or agent's file reference
see form PCT/ISA/220**FOR FURTHER ACTION**
See paragraph 2 belowInternational application No.
PCT/US2004/024659International filing date (day/month/year)
29.07.2004Priority date (day/month/year)
31.07.2003International Patent Classification (IPC) or both national classification and IPC
H04L12/14, H04M15/10Applicant
QUALCOMM INCORPORATED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - Gitschiner Str. 103
D-10958 Berlin
Tel. +49 30 25901 - 0
Fax: +49 30 25901 - 840

Authorized Officer

Figiel, B

Telephone No. +49 30 25901-473



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/024659

Box No. 1 Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/024659

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-3,7-9,11-13,17,19-21,25
	No: Claims	1,4-6,10,14-16,18,22-24
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

see separate sheet

1. Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

D1: US-B-6 282 2741 (JAIN RAVI ET AL) 28 August 2001 (2001-08-28)

D2: EP-A-0 706 743 (BELLSOUTH CORP) 17 April 1996 (1996-04-17)

2. The present application does not meet the requirements of Articles 33(1)-(2) PCT, because the subject-matter of **independent claims 1, 10 and 18** is **not new**.

- 2.1 Referring to the wording of **claim 1** document D1 discloses an apparatus for providing separable billing services (column 1, lines 6-13; column 4, lines 9-13), comprising:

- a memory for storing an identifier, the identifier identifying a digital processing device connected to a data network, the identifier further assigned a communication type (column 5, lines 6-9);
- a processor for receiving a data packet, the data packet comprising an address, the processor for comparing the address to the identifier and for adjusting an account associated with the communication type if the address matches the identifier (column 5, lines 10-12).

Therefore the subject-matter of **claim 1** is not new.

- 2.2 Independent **claims 10 and 18** contain the corresponding features as the apparatus of claim 1 expressed respectively in terms of the method and the medium. The argumentation of the point 2.1 applies mutatis mutandis also for these claims.

2. The present application does not meet the requirements of Articles 33(1) PCT, because the subject-matter of **independent claims** does not involve an inventive step in the sense of Article 33(3) PCT.

3. **Dependent claims 2-9, 11-17 and 19-25** do not contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the Article 33(1) PCT in respect of novelty (Article 33(2) PCT) and/or inventive step (Article 33(3) PCT), the reason being as follows:

- 3.1 The additional features that
- the address comprises a destination or source address is disclosed in document D1 (column 5, lines 8 and 10-11). Thus the subject-matter of **claims 4-5, 14-15 and 22-23** is not new.
- 3.2 The additional features that
- there is the second account associated with a second type of communication, if the address does not match the identifier is disclosed in document D1 (column 5, lines 8 and 10-11). Thus the subject-matter of **claims 6, 16 and 24** is not new.
- 3.3 The additional feature of claims 8-9, 17 and 25 of transmitting a message to an originator of the data packet informing the originator that the data packet was not sent to the digital processing device if the address does not match the identifier is not implicit disclosed in document D1. This feature solves the problem of necessity to notify the originator of the data packet of the failure. This feature cannot be considered as involving an inventive step (Article 33(3) PCT) as it represents the solution well known in the art, and is disclosed e.g. in document D2 (column 15, lines 7-16; column 24, lines 46-50).
- 3.4 The additional subject matter of other dependent claims contains only implementation details within the scope of the customary practice followed by persons skilled in the art, which are not inventive.